

ORIGINAL

DEF
c/m

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----x
MATTHEW OREN,

Appellant,

-against-

ZACHARY B. KASS,
as Chapter 11 Trustee of
Anita Terrace Owners, Inc.,

Appellee.
-----x

MEMORANDUM AND ORDER

Case No. CV-04-4297 (FB)

Appearances

For the Appellant:

MATTHEW E. OREN, *Pro se*
77-17 138th Street
Flushing, NY 11367

For the Appellee:

ROBERT A. WOLF, ESQ
VADIM J. RUBINSTEIN, ESQ.
Bryan Cave LLP
1290 Avenue of the Americas
New York, NY 10104

BLOCK, Senior District Judge:

By Memorandum and Order dated September 23, 2005, the Court dismissed the consolidated appeals of appellant Matthew Oren ("Oren"). *See* Docket Entry #21. Appellee timely submitted a request for taxation of costs pursuant to Federal Rule of Bankruptcy Procedure 8014, including a bill of costs as required under Local Civil Rule 54.1. In the interest of judicial economy, the Court deferred ruling on that request during the pendency of Oren's appeal to the Second Circuit Court of Appeals. After that appeal was dismissed, *see* Docket Entry #35 (Mandate of USCA), the Court set a deadline for Oren to file any objections to appellee's bill of costs, *see* Docket Entry #37 (Amended Order); at Oren's

request, the Court granted him an extension, *see* Docket Entry #39 (Bankruptcy Scheduling Order). The docket sheet contains no record of objections submitted by Oren.

Pursuant to the Federal Rules of Bankruptcy Procedure, “[e]xcept as otherwise provided by law, agreed to by the parties, or ordered by the district court or the bankruptcy appellate panel, costs shall be taxed against the losing party on an appeal”; costs that shall be taxed include those “incurred in the production of copies of briefs, the appendices, and the record and in the preparation and transmission of the record.” Fed. R. Bankr. P. 8014. The appellant is responsible for designating the items to be included in the record. *See* Fed. R. Bankr. P. 8006.

Appellee submitted a bill of costs listing the following: (1) “Costs incurred in preparation and transmission of record on appeal” of \$2,483.20; (2) “Costs incurred in production of copies of briefs and the appendices/exhibits thereto” of \$1075.60; and (3) “Costs for deposition transcripts designated by Appellant in his Record on Appeal” of \$3,026.00; the total amount of these costs is \$6,584.80. Pl.’s Request to Tax Costs, Ex. A (Bill of Costs). In support, appellee submitted a copy of Oren’s designation of the record, as well as copies of the invoices for the above costs. *See id.*, Exs. B.4 , B.5.

As these costs are allowable under Rule 8014, supported by appellee’s submissions, and not challenged by Oren, the Court grants appellee’s request.

Costs are taxed in the amount of \$6,584.80 against appellant and in favor of appellee, and shall be entered as a judgment against appellant.

SO ORDERED.

/signed/


FREDERIC BLOCK
Senior United States District Judge

Brooklyn, New York
March 30, 2007